



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,731	07/31/2003	Takenori Yoshizawa	0717-0513P	9350
2292	7590	03/05/2009	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				WUJCIAK, ALFRED J
3632		ART UNIT		PAPER NUMBER
03/05/2009		NOTIFICATION DATE		DELIVERY MODE
				ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/630,731	YOSHIZAWA, TAKENORI	
	Examiner	Art Unit	
	Alfred Joseph Wujciak III	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 December 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,5-9,12,13 and 16-18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 6-8,13 and 16-18 is/are allowed.
 6) Claim(s) 1,5,9 and 12 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 31 July 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

This is the final Office Action for the serial number 10/630,731, DISPLAY
SUBSTRATE ACCOMMODATING TRAY AND APPARATUS AND METHOD FOR
REMOVING THE DISPLAY SUBSTRATE, filed on 7/31/03.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 5, 9 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 9 recite the limitation "the mounted display substrate" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claims 1 and 9 recite the limitation "the engaging section" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claims 1 and 9 recite the limitation "the engaging section" (after the words opposing side surface) in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 is rejected as depending on rejected claim 1 and claim 12 is rejected as depending on rejected claim 12.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

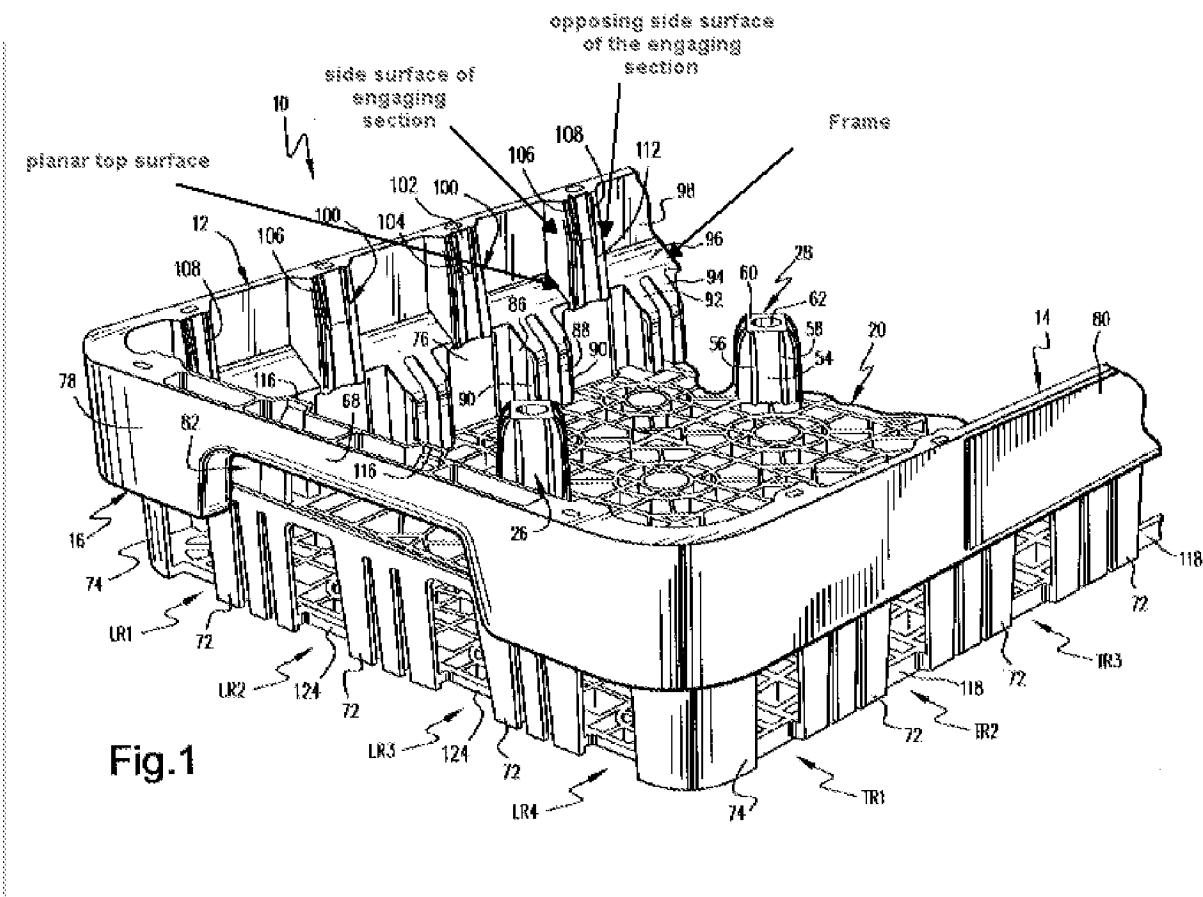
Art Unit: 3632

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 6,749,065 to Hammett.

Hammett teaches a bottom section (20), a frame (95), a flange-like engaging section (78), protruding externally from walls of the frame in substantially horizontal fashion and a positional portion (100) provided along a periphery of the frame. The frame is provided along a periphery of the bottom section and projects to a level higher than a level of a top surface of the bottom section. The bottom section has plurality of openings (see figure 1). The positioning portion includes a planar top surface of the frame that is parallel to a top surface of the bottom section. The positioning portion includes a side surface of the engaging section facing an opposite side surface of the engaging section. The side surface of the engaging section projects to a level higher than the level of the top surface of the frame with respect to the surface of the bottom surface.

Hammett teaches the width of the frame but fails to teach the width of the frame is substantially larger than the distance between the top of the top surface of the frame and the top surface of the bottom section. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the width of the frame to be larger than the distance between the top of the top surface of the frame and the top surface of the bottom section to increase surface area on the frame for supporting larger tray when being stacked thereon.



Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammett in view of Japan Patent # 236,953 to Nakajima et al.

Hammett teaches the bottom section and frame but fails to teach the bottom section and frame are formed from a synthetic resin foam material. Nakajima et al. teaches the synthetic foam material (10). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Hammett's bottom section and frame with synthetic resin foam material as taught by Nakajima et al. to reduce weight in the tray for convenience for transporting it to a different location.

Allowable Subject Matter

Claims 6-8, 13, and 16-18 are allowed.

Response to Arguments

Applicant's arguments filed 12/11/08 have been fully considered but they are not persuasive.

The applicant argues the buttresses 100 in Hammett's invention do not serve as positional portion as required in claim 1. The buttresses "only serve the bottles as they are inserted into the case, and to provide tangential support for bottles seated on the platforms along the side and end walls of the case." The examiner disagrees with the applicant because when Hammett's case is being stacked with the other case, the edge (72) will inserted in element 12 as explained in specification (column 6, lines 54-67 and column 7, lines 1-35, the edge will contact the positional portion (100) which is adjacent to the element 12, the positional portion has the ability of guiding element 72 in the case when being stacked.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joey Wujciak whose telephone number is (571) 272-6827 or send e-mail to the examiner at Joey.Wujciak@uspto.gov. The fax machine telephone number for the Technology Center is (571) 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alfred Joseph Wujciak III/
Primary Examiner, Art Unit 3632
2/27/09